SINGLE BENCH

(1)

(4)

CF1052

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(S) No.7214/2006

PETITIONER : Smt. Usha Shrivatava W/o Dr. Umesh Kumar Shrivastava aged about 41 years, assistant teacher, Govt. Primary School Jabadapar, (Bilaspur) Block Bilha Distt-Bilaspur (C.G.).

P.R. No. 23816
Presented by Shri Amit Shrivastava
dated 14/12/06

VERSUS

RESPONDETS : 1. State of Chhattisgarh Through the Secretary, Department of Education Mantralay, D.K.S.Bhawan, Raipur (C.G.)

2. Director of Public Instruction Raipur (C.G.)

3. The District Education Officer, District Bilaspur (C.G.).

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WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CERTIORARY OR ANY OTHER WRIT OF LIKE NATURE

(48)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.7240 OF 2006

Petitioner : Ku. Neel Kusum Ekka

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.7241 OF 2006

Petitioner : Smt. Urmila Khalkho

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.7242 OF 2006

Petitioner : Smt. Regina Toppo

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.7244 OF 2006

Petitioner : Ku. Mary Tigga

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.7245 OF 2006

Petitioner : Smt. Rukmani Patel

versus

Respondents : State of Chhattisgarh and others

WRIT PETITION (S.) NO.6900 OF 2006

Petitioners : Gopal Singh Verma and others

versus

Respondents : State of C.G. and others

WRIT PETITION (S.) NO.7265 OF 2006

Petitioner : Manak Ram Kurre

versus

Respondents : State Government of Chhattisgarh and others

WRIT PETITION (S.) NO.7266 OF 2006

Petitioner : Ram Dayal Sidar

versus

Respondents : State Government of Chhattisgarh and others

WRIT PETITION (S.) NO.7267 OF 2006

Petitioner : Dhan Singh Sidar

versus

Respondents : State Government of Chhattisgarh and others

(43)

WRIT PETITION (S.) NO.7268 OF 2006

Petitioner	:	Murit Ram Sidar
	versus	
Respondents	:	State Government of Chhattisgarh and others

WRIT PETITION (S.) NO.7269 OF 2006

Petitioner	:	Balram Singh Paikara
	versus	
Respondents	:	State Government of Chhattisgarh and others

WRIT PETITION (S.) NO.7270 OF 2006

Petitioner	:	Brajraj Nagraj
	versus	
Respondents	:	State Government of Chhattisgarh and others

WRIT PETITION (S.) NO.7271 OF 2006

Petitioners	:	Shiv Lal Singh Maravi and others
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.7274 OF 2006

Petitioner	:	Smt. Usha Shrivatava
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.7275 OF 2006

Petitioner	:	Chandika Prasad Pandey
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.7276 OF 2006

Petitioner	:	Shiv Kumar Shukla
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.7277 OF 2006

Petitioner	:	Smt. Rashmi Dwivedi
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.7287 OF 2006

Petitioners	:	Santosh Kumar Banjare and others
	versus	
Respondents	:	State of Chhattisgarh and others

WRIT PETITION (S.) NO.7291 OF 2006

Petitioner	:	Smt. Vimla Devi Bhagat
	versus	
Respondents	:	State of Chhattisgarh and another

(42)

WRIT PETITION (S.) NO.7292 OF 2006

Petitioner	:	Smt. Savita Minz
	versus	
Respondents	:	State of Chhattisgarh and another

WRIT PETITION (S.) NO.7294 OF 2006

Petitioners	:	Milan Ram Vishwakarma and others
	versus	
Respondents	:	State of Chhattisgarh and others

Present : Mr. Sanjay Patel, Mrs. Hamida Siddique, Mr. Ajay Shrivastava, Mr. Amit Kumar Sharma, Mr. Anil Singh Rajput, Mr. Mahendra Dubey and Mr. V.K.Pandey, counsel for the petitioner(s).

Mr. Arun Sao, Government Advocate, Mr. Sushil Dubey, Government Advocate, Mr. Sumesh Bajaj, Government Advocate, Mrs. Anju Ahuja, Deputy Government Advocate, Mr. Arvind Dubey, Panel Lawyer and Ms. Sunita Jain, Panel Lawyer for the State/respondents.

ORDER
(Passed on 3rd Day of January, 2007)

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*)

dated 31-1-2000 and Original Application No.2745 of 1989 (*Madhukant Yadu and 56 others vs. State of M.P. and others*) dated 24-8-1992.

2. Learned counsel appearing for the parties jointly submit that the facts and question of law involved in the present batch of writ petitions are similar to that of Writ Petition (S.) No.5784 of 2006 (*Milap Ram Daharia and others vs. State of Chhattisgarh and others*), which has been disposed of by this Court by order dated 27-10-2006.

3. The cases of the petitioners are that they were appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners were regularized, but, they were not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated teacher, but, the respondents have not paid any heed. Thus, these petitions.

4. Learned counsel appearing for the petitioners submit that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel appearing for the State/respondents have no objection.

5. Having heard learned counsel appearing for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court, the limited prayer made by learned counsel appearing for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioners stand on the same footings, as the petitioners in the Original Application No.1452 of 1998, then they be also sanctioned the same pay-scale and seniority.

6. The writ petitions are accordingly disposed of with the aforesaid direction. No order as to costs.

7. A copy of this order be placed on the record of the connected writ petitions.

Sd/-
Satish K. Agnihotri
Judge

Gopal